

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ATAIN INSURANCE COMPANY,

Plaintiff,

v.

**BASEMENT WATERPROOFING
SPECIALIST, INC. D/B/A OLD FAMILY
CONSTRUCTION,**

Defendant.

CIVIL ACTION

NO. 20-5440-KSM

ORDER

AND NOW, this 3rd day of November, 2021, upon consideration of Plaintiff Atain Insurance Company's Motion for Judgment on the Pleadings (Doc. No. 11), Defendant Basement Waterproofing Specialist, Inc.'s response and cross-motion (Doc. No. 12), Atain's reply (Doc. No. 13), and for the reasons discussed in the accompanying Memorandum, it is **ORDERED** that Atain's Motion (Doc. No. 11) is **GRANTED** and, as such, Atain has no duty to defend or indemnify Basement, Inc. in the underlying state court action, *Gary Budman v. Basement Waterproofing Specialist, Inc.* It is **FURTHER ORDERED** that Basement, Inc.'s cross-motion (Doc. No. 12) is **DENIED**. The Clerk of the Court is directed to close this case.

/s/ *Karen Spencer Marston*

KAREN SPENCER MARSTON, J.